

## BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Purchasing: Generally

The Stafford County School Board authorizes the superintendent to supervise the purchase of all materials, equipment, supplies, services and contracts for the school division in accordance with the Virginia Public Procurement Act and the Stafford County Purchasing Ordinance and Purchasing Manual. Guidelines for implementation of procurement regulations shall be outlined in the Stafford County Public Schools Financial Management System Manual.

Legal Reference: Through June 30, 2003

Code of Va., §2.2-4300. Short title; purpose; declaration of intent.-

A. This chapter may be cited as the Virginia Public Procurement Act.

B. The purpose of this chapter is to enunciate the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party. This chapter shall apply whether the consideration is monetary or nonmonetary and regardless of whether the public body, the contractor, or some third party is providing the consideration.

C. To the end that public bodies in the Commonwealth obtain high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded, it is the intent of the General Assembly that competition be sought to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency, that individual public bodies enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of the purchasing body rather than being drawn to favor a particular vendor, and that purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered. Public bodies may consider

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best value concepts when procuring goods and nonprofessional services but not construction or professional services. The criteria, factors, and basis for consideration of best value and the process for the consideration of best value shall be as stated in the procurement solicitation. (2002)

Code of Va., §2.2-4343. Exemption from operation of chapter for certain transactions.—A. The provisions of this chapter shall not apply to:

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of §2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting which offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division, whose school board has adopted, by policy or regulation, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies procedures meeting the requirements of §2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

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12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, and §§ 2.2-4305, 2.2-4308 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 shall apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services set forth in subdivision 3. a. of § 2.2-4301 in the definition of competitive negotiation shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 where the cost of the professional service is expected to exceed \$30,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311, and 2.2-4367 through 2.2-4377 (2002).

*Ordinance, Sections 20-1 to Sec. 20-150, Board of Supervisors, "Procurement Code of Stafford County, Virginia" March 18, 2003.*

Article I, Sec. 20-4. Purpose and general application of chapter.

(a) The regulations contained in this chapter are promulgated by ordinance of the board of supervisors pursuant to sections 2.2-4300(c) and 2.2-4302 of the Code of Virginia, to effectuate the purposes of those sections with regard to procurement and disposition of supplies, services and construction for the county.

(b) Except as otherwise specifically provided, the regulations prescribed in this chapter shall apply to any contract for supplies, services or construction entered into after their effective date, unless the parties agree to their application to a contract solicited or entered into prior to their effective date.

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(c) Except as otherwise specifically provided, the regulations contained in this chapter shall apply to every expenditure of funds appropriated by the board of

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supervisors, by or on behalf of the board or any using department, specifically including, but not limited to, the county school board, constitutional officers of the county and the social services department of the county, for the procurement of any supplies, services or construction, except as otherwise provided by law or this chapter. Such regulations shall apply to all dispositions of county supplies.

Editor's Note

*See also Stafford County Public Schools  
Financial Management System Manual  
and  
Procurement Code of Stafford County, Virginia  
Chapter 20*

Adopted by School Board: September 10, 1985